

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EMMETT Z. QUINN,

Plaintiff,

v.

ORDER

UNITED STATES OF AMERICA,

06-cr-22-jcs

Defendant.

On November 16, 2007 judgment was entered in the above entitled matter denying petitioner's motion to vacate his sentence under 28 U.S.C. § 2255 with prejudice. On December 5, 2007 the Court received petitioner's notice of appeal which is construed as a certificate of appealability.

A certificate of appealability may be issued only if the petitioner has shown the denial of a constitutional right. Petitioner has not shown the denial of a constitutional right. At the evidentiary hearing the Court determined that petitioner had not asked his attorney to file an appeal. Accordingly, his counsel's failure to file an appeal was not ineffective assistance of counsel. Petitioner's request for a certificate of appealability will be denied.

Quinn v. U.S., 06-CR-22-S

ORDER

IT IS ORDERED that petitioner's request for a certificate of appealability is DENIED.

Entered this 6th day of December, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge